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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Mrs. Denisa **Hutňanová** (Slovakia)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 27th and 30th meetings, on 24 November and 14 December 2004. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/59/SR.27 and 30).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Financial report and audited financial statements and report of the Board of Auditors on the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991;[1]

(b) Report of the Secretary-General on biennial budgeting at the Tribunals (A/59/139);

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 5L* (A/59/5/Add.12).

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(c) Report of the Secretary-General on the first performance report of the International Tribunal for the Former Yugoslavia for the biennium 2004-2005 (A/59/547);

(d) Report of the Advisory Committee on Administrative and Budgetary Questions (A/59/561).

II. Consideration of draft resolution A/C.5/59/L.16

4. At its 30th meeting, on 14 December, the Committee had before it a draft resolution, entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/59/L.16), which was submitted by the Chairman on the basis of informal consultations coordinated by the representative of Australia.

5. At the same meeting, the Committee adopted draft resolution A/C.5/59/L.16 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Having considered the reports of the Secretary-General, namely the first performance report of the International Tribunal for the Former Yugoslavia for the biennium 2004-2005[1] and the report on biennial budgeting at the Tribunals,[2]

Having also considered the report of the Board of Auditors and the recommendations contained therein,[3]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the Former Yugoslavia and its subsequent resolutions thereon, the most recent of which were resolution 58/254 and resolution 58/255 of 23 December 2003,

1. *Takes note of* the first performance report of the Secretary-General for the biennium 2004-2005 on International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and the report on biennial budgeting at the Tribunals;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

3. *Notes* with concern the precarious financial situation of the International Tribunal for the Former Yugoslavia;

4. *Also notes* with concern the levels of unpaid assessed contributions, and urges Member States to pay their assessed contributions on time, in full and without conditions;

5. *Further notes* with concern the resulting freeze imposed by the Secretariat on the International Tribunal for the Former Yugoslavia and the negative impact it is having on the completion strategy schedule, and requests the Secretary-General, in consultation with the Tribunal, to present proposals on ways to ameliorate the staffing situation at the Tribunal in the context of the proposed budget for the biennium 2006-2007;

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[1] A/59/547.

[2] A/59/139.

[3] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 5L* (A/59/5/Add.12).

[4] A/59/561.

6. *Requests* the Secretary-General to ensure that areas critical to the successful completion of the mandate of the Tribunal, in accordance with the completion strategy, are exempt from any freezes;

7. *Also requests* the Secretary-General to make every effort to reduce the vacancy rate and improve staff retention at the Tribunal, including through extending contracts of staff performing functions that are central to the implementation of the completion strategy beyond the period of the current budget;

8. *Decides* to approve the proposed post and non-post resources for the Investigations Division for 2005;

9. *Also decides* on a revised appropriation to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 of a total amount of 329,317,900 United States dollars gross (298,437,000 dollars net) for the biennium 2004-2005;

10. *Further decides* to apportion for the year 2005 the amount of 90,148,375 dollars gross (81,300,850 dollars net), including 15,637,800 dollars gross (13,383,200 dollars net), being the increase in assessments among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 2005;

11. *Decides* to apportion for the year 2005 the amount of 90,148,375 dollars gross (81,300,850 dollars net), including 15,637,800 dollars gross (13,383,200 dollars net), being the increase in assessments among Member States in accordance with the rates of assessment applicable to peacekeeping operations for the year 2005;

12. *Also decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 10 and 11 above, their respective share in the Tax Equalization Fund in the amount of 17,695,050 dollars, including 4,509,200 dollars, being the increase of the estimated staff assessment income approved for the International Tribunal for the Former Yugoslavia for the biennium 2004-2005.

Annex

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2004-2005

(In United States dollars)

	Gross	*Net*
1. Initial appropriation for the biennium 2004-2005 (resolution 58/255)	298 226 300	271 854 600
Add:		
2. Proposed changes for the biennium 2004-2005 (A/59/547)	38 023 300	33 514 100
Less:		
3. One-time adjustment reflecting projected savings for 2004 (A/59/547)	(6 747 700)	(6 747 700)

	Gross	*Net*
4. Estimated income for the biennium 2004-2005	(184 000)	(184 000)
5. Proposed revised appropriation for the biennium 2004-2005	329 317 900	298 437 000
6. Assessment for 2004	(149 021 150)	(135 835 300)
7. Balance to be assessed for 2005	180 296 750	162 601 700
Including:		
8. Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2005	90 148 375	81 300 850
9. Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2005	90 148 375	81 300 850